

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA §
§
VS. § CRIMINAL ACTION NO. 7:13-CR-70-5 & 6
§
FERNANDO GUERRA, SR. and §
FERNANDO GUERRA, JR. §

FINAL ORDER OF FORFEITURE (NUNC PRO TUNC)

Pending before the Court is a Motion for Final Order of Forfeiture filed by the United States and Defendants, Fernando Guerra Sr. and Fernando Guerra Jr. Having considered the motion and all matters filed herein, the Court GRANTS said motion and makes the following findings:

- 1.) On April 3, 2013, a superseding criminal indictment was returned by a federal grand jury in the Southern District of Texas, McAllen Division charging the defendants with conspiracy to possess with intent to distribute cocaine and with possession with intent to distribute.
- 2.) The superseding indictment included a Notice of Forfeiture pursuant to Title 21, United States Code, Section 853, in which the United States gave notice to the Defendants that it sought the forfeiture of the real properties legally described as:
 - A. 1002 Sunrise Street, Edinburg, Texas; legally described as Lot Two (2), Vista Bonita Subdivision No. 10, Hidalgo County, Texas, according to the map thereof recorded in Volume 33, Page 50, Map Records of Hidalgo County, Texas; and
 - B. FM 1017, Edinburg, Texas; legally described as LOT No. 45, FOUNTAIN SUBDIVISION, Hidalgo County, Texas, according to the map thereof recorded in Volume 9, pages 59 and 60, according to Map Records of Hidalgo County, Texas; and
 - C. Rural Ranch on CR 15 in Willacy county, Texas; legally described as 1 acre of the East 20 Acres [E. 20 AC.] of lot Nine [9], Block Fourteen [14], Missouri-

Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to Map thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and being the same property conveyed to Ralph Christian by Deed recorded in Volume 54, Page 506, Deed Records, Willacy County, Texas; and

- D. Rural Ranch on CR 15 in Willacy County, Texas; legally described as 17.650 acres out of the West Twenty Acres [W. 20 AC.] of lot Nine [9], Block Fourteen [14], Missouri-Texas Land and Irrigation Company's Subdivision, Willacy County, Texas, according to Map thereof recorded in Volume 1, Page 29, Map Records, Hidalgo County, Texas, and being the same property conveyed to Ralph Christian by Deed recorded in Volume 54, Page 506, Deed Records, Willacy County, Texas; and
- E. All of Lot 401, BRENTA RANCHETTES, Hidalgo County, Texas, according to the map recorded in Volume 39, Page 60, Map Records, Hidalgo County, Texas; and
- F. Lot #1 and 2, Pueblo de Palmas, Phase II, Hidalgo County, Texas, according to the Map or Plat thereof recorded in volume 52, Pages 77-79, of the Map Records of Hidalgo County, Texas; and
- G. Lot Eighty-Three (83), VICTORIA HEIGHTS SUBDIVISION PHASE III, an addition to the City of Edinburg, Hidalgo County, Texas, according to map thereof recorded in Volume 41, Pages 45 and 46, Map Records of Hidalgo County, Texas

3.) Defendant, FERNANDO GUERRA, SR. pled guilty to Count One of the Superseding Indictment charging him with conspiracy to possess with intent to distribute a controlled substance in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A). Dkt. No. 293.

4.) Defendant, FERNANDO GUERRA, JR. pled guilty to Count One of the Superseding Indictment charging him with conspiracy to possess with intent to distribute a controlled substance in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A). Dkt. No. 294.

5.) Willacy County, Texas, Willacy County Hospital District, Willacy County Navigation District, Willacy County Road and Bridge, Willacy County Emergency Service District, Lasara

Independent School District, South Texas Independent School District, Edinburg Consolidated Independent School District, South Texas College, Red Sands Groundwater Conservation District, and Santa Cruz Irrigation Water District No. 15., all taxing authorities, have filed a claim for ad valorem taxes due and owing on said properties. The United States recognizes their interest in the Subject Property to the extent of their respective liens for ad valorem taxes due and owing as of the signing of this Final Order of Forfeiture.

6.) GR Inversiones LLC has filed its claim as a third party lienholder to the real property identified above in paragraph 1E. The government recognizes the secured interest of GR Inversiones LLC to the extent of its mortgage lien balance and accrued interest through the date of sale. The Government has also agreed to pay GR Inversiones LLC the sum of \$397.38, an amount equal to the fees incurred in forfeiture proceedings prior to the entry of a Preliminary Order of Forfeiture.

7.) The Court finds that the titled owners to the Subject Properties, including Fernando Guerra, Sr., Fernando Guerra, Jr., Lucila Guerra, and Lizette Guerra, were given actual notice of the Amended Preliminary Order of Forfeiture and original Preliminary Order of Forfeiture and they have make no claim to the subject properties;

8.) The Court finds that the Amended Preliminary Order of Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least thirty (30) days beginning on October 18, 2013, and no person or entity other than those identified herein has filed a claim to the Defendant Real Properties, making the Amended Preliminary Order of Forfeiture final as to all potential parties;

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED

that the Amended Preliminary Order of Forfeiture is final as to Defendants Fernando Guerra Sr.

and Fernando Guerra Jr. and all others and the United States have forfeiture to all real properties legally described above.

The Drug Enforcement Administration, an agency of the United States of America, shall be responsible for providing notice of this Order as provided by statute and disposing of said property in a commercially reasonable manner with the proceeds of sale distributed in the following order of priority:

- i. To the costs of seizure, custodianship, and sale of the property;
- ii. To the mortgage lien balance and accrued interest due to GR Inversiones LLC as to all of Lot 401, BRENTA RANCHETTES, Hidalgo County, Texas, according to the map recorded in Volume 39, Page 60, Map Records, Hidalgo County, Texas;
- iii. To all ad valorem taxes due and owing on the subject real property;
- iv. To GR Inversiones LLC the sum of \$397.38 as reimbursement for fees incurred in foreclosure proceedings;
- v. To the United States to be disposed in accordance with applicable law.

IT IS FURTHER ORDERED that the United States District Court for the Southern District of Texas shall retain jurisdiction in the case for the purpose of enforcing this Order.

SO ORDERED this 6th day of May, 2014, at McAllen, Texas.



Randy Crane
United States District Judge